

August 13, 2013

Watershed Management Division
Department of Environmental Conservation
One National Life Drive, Main 2
Montpelier, VT 05620
Attention: Leslie Welts, Attorney

Dear Ms. Welts,

I would like to voice my disagreement in the proposal to make Wolcott Pond a 'Quiet Pond'.

My father owns a camp on the back side of Wolcott Pond, this property was previously owned by my grandfather for many years before. Our camp, unlike the other camps located on the pond, is only accessible via water. Eliminating the use of gas powered motors on the pond would be restricting our access to the camp. I find it unrealistic to expect those that use the pond to purchase an electric motor so they can continue to enjoy it. Often times in the fall I will duck hunt on the pond, long after many of the summer residents leave for the winter. I travel with duck / goose decoys, my dog, and myself and with water temperatures near freezing traveling across the pond in a canoe or kayak is very dangerous. Also, in November we use the camp for deer hunting. Again, we travel across the frozen or near frozen pond with large loads of supplies for the weekend.

The Wolcott Pond access area has just undergone several improvements this summer paid for by the State of Vermont. Every year I invest hundreds of dollars into hunting / fishing licenses in addition to making sure my boats and trailers are registered. My understanding is a portion of the funds received by these means are used to upkeep boat launches and pay for enforcement. I feel that this should enable me, as a law abiding outdoorsman, to use these areas. Paddlers and swimmers offer no financial assistance in the maintenance of these areas.

There was an article in the Times Argus about this proposal which stated that "Young said the pond sees around five gas-powered boats per summer", this is a very small number of boats that visit the pond every summer. This small group of people consists of some elderly and disabled locals that would never be able to enjoy their favorite fishing spots if this is approved.

I would like to ask that you consider all users of Wolcott Pond when making a decision on this proposal and not be swayed by a few seasonal users. I too enjoy the beauty and serenity of Wolcott Pond, but do not feel a few gas-powered boats per summer has any affect on water quality or wildlife. I would also like to share this special place with my children without being restricted to how I can access it.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Adam Hill". The signature is fluid and cursive, with the first name "Adam" and the last name "Hill" clearly distinguishable.

Adam Hill
2451 Walton Road
Morrisville, VT 05661

Dear Mrs. Welts and Watershed Management Division,
I am a frequent visitor to Walcott, though
not a permanent resident. I have come to this
area for 32 years. I'm sorry I was not
able to attend the hearing about Walcott
Pond, but I am writing because I strongly
support the ban on use of internal com-
bustion engines.

Every time they come they disturb the
wildlife and frighten the swimmers like
me.

Anyone who needs motorized access can
use an electric motor. and of course there
are many other ponds for boats with engines.

Walcott Pond is so beautiful, it draws me
to Vermont each year; and one of the best
aspects is the peace and quiet when no
boat engines are polluting the air.

Please help those who love the pond preserve
its clean, quiet beauty.

Very truly yours,
Barbara J Bramble



1318-2 2nd St, NW
Washington DC
20037

From: Welts, Leslie
Sent: Friday, August 30, 2013 11:58 AM
To: Fechter, Kathy
Subject: FW: Wolcott Pond
Attachments: DOC083013-001.tif; DOC083013.tif

From: Town of Wolcott [<mailto:wolcott@pshift.com>]
Sent: Friday, August 30, 2013 11:47 AM
To: Welts, Leslie
Cc: 'Gail Osherenko'
Subject: Wolcott Pond

Leslie, Please see attached documents that the Selectboard would like submitted to be a part of the record for the Wolcott Pond hearing on August 20, 2013.

Sincerely, Belinda Clegg, Selectboard chair

**TOWN OF WOLCOTT
LAMOILLE COUNTY, VERMONT**

ZONING REGULATIONS
ADOPTED: JULY 1, 1975
MOST RECENTLY AMENDED: March 7, 2006

SUBDIVISION REGULATIONS
ADOPTED: SEPTEMBER 9, 1988
MOST RECENTLY AMENDED: March 7, 2006

Prepared by: Wolcott Planning Commission

With assistance by: Lamoille County Planning Commission

**Portions of this bylaw were developed using funds awarded by:
The Agency of Commerce and Community Development
through the Municipal Planning Grant Program**

6.02 Shorelands

Description: The Shorelands District shall consist of all lands within 500 feet of the normal mean watermark around all lakes, ponds or impoundments exceeding 20 acres. The bodies of water meeting this standard in the Town of Wolcott and their normal mean water marks are as follows:

- a. Wolcott Pond - elevation 1,196 feet;
- b. Wapanaki Lake - elevation 1,270 feet;
- c. Zack Woods Pond - elevation 1,179 feet.

Objective: These regulations of the shorelands in the Town of Wolcott are to prevent and control water pollution, preserve and protect wetlands and other terrestrial and aquatic wildlife habitats, conserve the scenic beauty of shorelands, minimize shoreland erosion, reserve public access to public waters, and achieve other municipal, regional or state shoreland conservation and development objectives.

Permitted Uses:	Conditional Uses:
1) None	1) All other land uses including PUDs.

Area and Dimensional Requirements:

Minimum lot size	Maximum density	Min. frontage	Minimum setback		
			Road	Lake/Pond	Other prop. lines
2 Acres	1 du / 2 acres	100 ft- road 100 ft- lake	25 feet	150 feet*	25 feet

Conditional Use Standards: Applicants shall provide written documentation showing how their proposal avoids or mitigates any potential risks to surface and ground water. Applicants shall demonstrate that they have designed and sited their project to minimize impacts upon wetlands, riparian habitats, steep slopes, and other important features known to impact water quality. Applicants must address stormwater runoff from impervious surfaces and disposal of solid waste. In determining the appropriateness of the use or structure, the DRB shall consider the scale and design of the proposal in relation to the scale and design of existing uses and structures and the effect of the proposal on the continued enjoyment of existing and approved uses in the district. For new structures, building location within the lot may be required to be compatible with the location of existing and approved uses in the neighborhood. The DRB may require larger setbacks depending on the nature of the operation.

1. Additional setback requirements-
 - a. Subsurface sewage facilities will be set back the following minimum distance from the normal mean water mark:
 - (1) 200 feet in soils 3, 9, 11, 13, 20, 22, 47, 59, 59*, and 61.
 - (2) 100 feet in soils 27, 38, and 38 where slopes do not exceed 15% in the vicinity of the leach field, otherwise 200 feet.
 - (3) 100 feet in soils 12 and 14 where the conditions below are met, otherwise 200 feet.

DOC083013.tif

- DOC083013.tif
- i. Slopes do not exceed 15% in the vicinity of the leach field; and
 - ii. There is a minimum soil depth of 7 feet to bedrock and 6 feet to signs of seasonal high water table; if a raised system is proposed, there must be a minimum of 5 feet to bedrock and 4 feet to signs of seasonal high water table below the proposed leach lines.

Test holes to demonstrate soil depth are the responsibility of the applicant.

2. In order to prevent soil erosion, and to support other stated shoreland protection purposes, existing stands of trees and ground cover along the shoreline shall be maintained or supplemented, for 100 feet from the normal mean water mark.
3. On occasion, the soil at the proposed site will differ from the soil type shown on the town soil map, so that the location of the subsurface sewage facilities can be reconsidered. In that event, the applicant may apply for a public hearing to be held by the DRB for such reconsideration.

TOWN OF WOLCOTT
PO BOX 100
WOLCOTT, VT 05680
802 888-2746

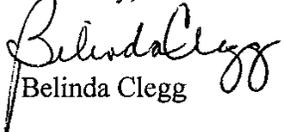
April 3, 2013

Leslie Welts, Attorney
Watershed Management Division
Vermont Department of Conservation
1 National Life Drive, Main 2
Montpelier, VT 05620-3522

Dear Leslie:

The Wolcott Selectboard is pleased to support the Friends for Wolcott Pond petition of 156 signatures that was recently sent to you. We believe that Wolcott Pond should be a quiet pond and we have indicated this in our recent Town Plan. If you would like a copy please do not hesitate to let us know and we will get one to you.

Sincerely,


Belinda Clegg


Ron Barre


Jeffrey Wright


Todd Harris


Bessie Martin

- received a Recreation and Trails grant to develop a walking trail in this park.
- The Lamoille Valley Rail Trail has begun its steady evolution into a 4-season multi-use recreational trail from one side of the state to the other, through Wolcott. This trail system will be a recreational and economic development boon to the Town. VAST recently received its Act 250 Permit and Phase 1 construction of the Trail will begin in Spring/Summer of 2013.
 - Lamoille Valley Rail Trail Trailhead Feasibility Study is currently underway: This project will study the feasibility of constructing a trailhead for the LVRT in the Town of Wolcott using a 60-foot by 120-foot area adjacent to the Town Office. The trailhead design will include parking, a picnic area, bicycle racks, an information kiosk, and other amenities.
 - Lamoille County Regional Planning Commission received a grant to construct trailheads for the Rail Trail in each municipality through which the Rail Trail passes. This will provide money for Wolcott to construct the trailhead designed during the feasibility study mentioned above.

These developments provide context and a starting point for this new plan.

Top 9 Items to Be Addressed in the Next 5 Years

Before this Town Plan needs to be revised again within the next 5 years, the Wolcott Planning Commission recommends that the Town addresses and completes the following action items:

1. Take part in a public-private partnership to ensure access to high-speed broadband Internet services and cellular communications coverage for all Wolcott residents.
2. Apply for Village Center Designation for Wolcott Village and North Wolcott Village through the Vermont Downtown Program.
3. Update Wolcott's Highway Infrastructure (bridge and culvert) Study.
4. Enhance and increase the wastewater treatment capabilities of North Wolcott and Wolcott Village.
5. Either alone or in partnership with other organizations, develop a comprehensive plan for amenities, facilities and aesthetics for the Lamoille Valley Rail Trail in town.
6. Redesign and update the Town's website to provide useful and easily accessible information to town residents, including permit application checklists and forms, and a link to the Vermont Agency of Natural Resources Environmental Interest Locator.
7. Explore ways to locally ensure the safety of private water impoundments below the state regulation threshold of 500,000 cubic feet.
8. Develop and update Wolcott's Flood Hazard Regulations, in conformance with the standards recommended by the Vermont Agency of Natural Resources. In conjunction with this, relocate the Fire Station out of the flood hazard zone.
9. Pursue seeking State designation of Wolcott Pond as a quiet pond.

SECTION 10. NATURAL RESOURCES

Goals, Policies, & Recommendations of this Section

GOALS

Land Resources

- To protect and enhance Wolcott's land resources, including productive farm and forestland and available earth resources, in order to maintain an adequate land base to sustain farming and forestry operations and to secure needed supplies of sand and gravel for the benefit of existing and future generations.
- To use Wolcott's mineral and earth resources conservatively for the benefit of existing and future generations.
- To conserve and enhance the soils in Wolcott, especially prime and state significant soils, for present and future use.

Water Resources

- To preserve, and where degraded, improve Wolcott's water resources – including its lakes, ponds, streams, rivers, wetlands, groundwater, and associated habitats – in order to ensure water quality for drinking, recreation and the environment.
- To ensure that Wolcott's rivers and streams contain clean water, a healthy riparian habitat and stable stream banks.
- To maintain the overall health of our lakes and ponds for recreation and environmental purposes.
- To preserve and protect wetlands from pollution, filling, and any other uses or activities that will result in their degradation or a reduction in its capacity to provide wildlife habitat, flood control and water storage.
- To protect the health, safety and welfare of the residents of Wolcott by limiting development in floodways to agriculture, recreation, and open space only.
- To maintain the quality and quantity of local groundwater supplies.
- To maintain and, where degraded, improve the water quality across the town.

Wildlife Resources

- To protect and maintain in healthy condition areas of significant habitat including wetlands, uplands, large habitat blocks and interconnecting links (e.g., wetland areas, riparian zones, and travel corridors).
- To maintain biological diversity of native plants and wildlife throughout Wolcott through the protection of significant habitats.

POLICIES

Land Resources

- Earth resources (primarily sand and gravel) should be identified and conserved until needed and reasonably developed in the public interest.
- Development that is proposed near or over important earth resources should mitigate the potential loss of that resource.
- Extraction and related processing operations will be permitted only when it has been demonstrated that there will be no undue adverse impacts on the town or its residents. Potential conflicts between current land use and proposed extraction operations must be minimized. Strict standards for the operation, maintenance, and restoration or extraction sites may be established as appropriate based on the unique conditions of the area affected. The full restoration of extraction sites will be ensured through the submission and local approval of site restoration plans and the provision of adequate surety to guarantee

the completion of the restoration plan at the operator's expense.

- All development within the town must be pursued with strict regard to the capability of the soils to support it.
- Development on slopes should ensure the protection of soils through measures equivalent to Accepted Agricultural Practices and Best Management Practices for agriculture and/or the Acceptable Management Practices for forestry. The USDA Natural Resources Conservation Service is also a source for recommended soil practices.
- Development within agricultural areas should be sited to avoid taking agricultural soils permanently out of production. Non-agricultural structures should not be placed in open fields and meadows; such structures and related infrastructure should be set back from field edges and follow tree lines where feasible to minimize disturbance and visual impacts, and to maximize open productive space.
- Further fragmentation of productive agricultural and forestland should be avoided; continued access to productive forest and farmland should be ensured.

Water Resources

Rivers and Streams

- All rivers and streams must be identified on and integrated into site plans and subdivision plats. Development within or proximate to designated rivers and streams should take place in such a way as to avoid crossing the stream and to protect and maintain a natural vegetative buffer at least 50 feet wide.
- All bridges and culverts should be built to standards recommended by the Better Backroads program of the Vermont Agency of Natural Resources' Ecosystem Restoration Program initiative to ensure minimal impacts on rivers and streams and to prevent failure in the event of flooding.
- Development near Baldwin Brook Falls should not have a negative impact on the scenic and recreational qualities of this significant stream feature.

Lakes and Ponds

- Higher densities of residential development contribute to lake and pond pollution by way of septic and stormwater runoff. Controls on density are required in order to protect water quality.
- A 50-foot naturally vegetated buffer around the lakeshores would protect the water quality from contaminants as well as protecting the scenic values of the areas.
- A management plan for large lakes and ponds should be developed to determine boating, swimming, fishing and other recreational activities to ensure that ecological and recreational goals are met for the areas.

Wetlands

- Wetlands must be identified on and integrated into site plans and subdivision plats.
- All wetlands are required to have at least a 50-foot buffer. No filling or draining of wetlands is permitted.

Flood and Erosion Hazard Areas

- No development should occur within the 100-year and 500-year flood hazard area except in strict conformance with the flood hazard zoning bylaws.
- Likewise, no development should occur in fluvial erosion hazard areas.
- Agriculture, recreation fields, parks, and open space are all appropriate uses of flood or erosion hazard areas.
- The Town strongly encourages that existing structures within the 500-year floodplain be protected against flood damage.

Groundwater

- Withdrawal of groundwater should not exceed the recharge rate over a reasonable period of time.
- No form of land waste disposal or storage of possible contaminants should be permitted in high water table and ground water recharge areas.

Water Quality

- All construction where soil is to be disturbed is required to provide adequate erosion

control so that no soil moves off site or into surface waters or wetlands.

- Agriculture and forestry must abide by Accepted Agricultural Practices and Acceptable Management Practices. Where an activity may have a negative impact on water quality, Best Management Practices are recommended.
- Total impervious surfaces on developed sites should be less than 10% of the site. If this is not possible, other stormwater management tools should be used to mitigate the impacts.
- Where appropriate, stormwater technologies and techniques should be used to prevent runoff from directly entering any surface waters.

Wildlife Resources

- Wolcott supports the acquisition of significant habitat by local or state conservation agencies whose goal is protection of the habitat.
- Significant habitat must be identified on and integrated into site plans and subdivision plats. Development within or proximate to designated significant habitat will take place in such a way as to preserve its value for education, science, research, aesthetics, and recreation.
- Deer wintering areas should be protected from development and other uses that threaten the ability of the habitat to support the species. Commercial, residential, and industrial development should not occur in these areas. Development should be permitted adjacent to deer wintering areas only if it is demonstrated, in consultation with the Department of Fish and Wildlife, that the integrity of the area for deer habitat will be preserved.
- Subdivisions and other development should avoid fragmenting habitat. Core habitat areas and interconnecting links (e.g. wetland areas, riparian zones, travel corridors) are to be preserved. Planned Unit Development provides this capability.
- Rare, threatened and endangered plants and animals and their habitats will be protected and preserved through appropriate conservation techniques. Where appropriate, a 500-foot buffer should be designed and maintained to ensure protection.

Methods of Natural Resource Protection

- Development should be clustered or otherwise situated in order to preserve contiguous tracts of undeveloped land.
- Zoning and subdivision regulations should be revised to further the protection of natural resources

ACTIONS & RECOMMENDATIONS FOR IMPLEMENTATION

Land Resources

- The Planning Commission should review and, if necessary, update the zoning provisions regulating earth extraction operations to ensure the bylaws achieve the goals of this section and provide the owner of the site with a clear set of guidelines to follow.
- The Town of Wolcott should ensure that it holds ownership of, or purchase rights to, sufficient gravel resources to provide for the town's needs in the future.
- Encourage forestland owners to continue to work with the Lamoille County Forester in the Vermont Dept. of Forests, Parks and Recreation.
- The Planning Commission should pursue the acquisition of land for a Town Forest.
- The Wolcott Development Review Board should direct interested landowners to the information and resources on Accepted Agricultural Practices and Best Management Practices at the Vermont Agency of Agriculture and information on Acceptable Management Practices at the Vermont Dept. of Forests, Parks & Recreation.

Water Resources

Rivers and Streams

- Wolcott supports local and county conservation agencies whose goal is protection of the rivers and streams in the areas.
- Wolcott should establish public accesses to rivers and streams for recreation including swimming, fishing and boating.

Lakes and Ponds

- Wolcott should consider an ordinance to require local approval of dams and other artificial water impoundments below 500,000 cubic feet.
- Shoreline zoning regulations have been adopted for areas within 500 feet of Wolcott Pond, Wapanaki Lake, and Zack Woods Pond. The Planning Commission should review and, if necessary, update the zoning and subdivision regulations to reflect the findings in this chapter.
- Public education and signage should be placed at all boat accesses and public shoreland to notify the public of Eurasian Milfoil and how to protect the lake.

Wetlands

- The planning commission should consider acquiring funds to have a wetland inventory of the town conducted.

Flood and Erosion Hazard Areas

- The town should consider, through grants and/or partnerships with interested organizations, purchasing structures within flood hazard areas to assist property owners relocation out of the flood plain.
- The planning commission should consider creating a plan for flood and erosion hazard areas to address recreational opportunities, flood hazard protection, and the potential for implementation of water quality measures.

Groundwater

- The Planning Commission should identify potential threats to groundwater supplies.
- The Town should study whether there is a need to adopt additional Wellhead Protection Area zones into the zoning bylaws and restrict uses that present a risk of contamination to public groundwater sources.
- The Town should adopt setback rules for private wells to match standard State well buffer regulations and prevent buffer encroachments upon neighboring properties.

Water Quality

- The town should support the Lamoille Regional Solid Waste Management District in their efforts to ensure that all homeowners understand the importance of the proper disposal of household hazardous waste. The pickup of such materials should be cheap and easy in order to encourage compliance.
- Wolcott should proceed with the recommendations of the 2004 Sewer Feasibility Study for the Villages of Wolcott & North Wolcott.

Wildlife Resources

- Wolcott should consider forming a conservation commission for the purposes of conducting a Natural Resources Inventory in Wolcott and contributing to natural resource protection through advocacy and consultation.
- The Town should conduct a Natural Resources Inventory to determine how much of the significant habitats are protected and determine what gaps exist in the conservation effort.
- The town should consider pursuing funding and partnerships to protect the remaining parcels around Bear Swamp to ensure the long-term protection of this area.
- As a result of living in Wolcott, many landowners have an ethic to be good stewards of the land. The Planning Commission recognizes that more can be accomplished by educating, advising, and assisting landowners with their natural and wildlife resource concerns than could be accomplished through regulations. The Planning Commission will support and provide guidance to any property owner with questions or concerns about their natural resources. The formation of a Conservation Commission would facilitate the support, education and guidance to landowners.

Methods of Natural Resource Protection

- The Planning Commission should review and, if necessary, update the zoning and subdivision regulations to reflect the findings in this chapter.
- Encourage farm and forestland owners to participate in the "Current Use" program.

Vermont Agency of Natural Resources, 1986.):

<u>Waterway</u>	<u>Species</u>
• Lamoille River	Waterfowl & deer
• Green River	Moose and Deer
• Jones Brook	Deer
• Wild Branch	Deer

Significant River Feature: Baldwin Brook Falls

Baldwin Brook crosses the North Wolcott Road just south of North Wolcott. Baldwin Brook is a mountain stream, mostly four to eight feet wide, with very clean water. Its headwaters are two small ponds just below the Green River Reservoir. The falls are located below a 12-foot dam. Immediately below the dam there is a sheer falls of 50 feet. Below the falls is an abrupt gorge about 20 feet wide by 30 feet deep, below which can be found two lower falls of 10 to 15 feet each.

In statewide comparison, this waterfall and gorge site is the only one in Lamoille County considered to be above average in botanical content. Fifty foot sheer falls are very rare in Vermont, either in big or small streams, and consequently, these falls are considered to be of state significance. A 1991 report for the Lamoille County Planning Commission titled *Waterfalls, Cascades and Gorges of Lamoille County, Vermont* recommended that this site receive special mention in the Wolcott Municipal Plan as a special hydrological feature worthy of protection.

Lakes and Ponds

Wolcott is fortunate to have numerous lakes and ponds throughout the town that support both public and private recreation opportunities and important plant and animal habitats.

Wapanacki Lake, located near the Hardwick town line, has a surface area of about 21 acres, a maximum depth of 23 feet, and a drainage basin area of approximately 285 acres. Present uses of the lake include both warm and cold water fishing and swimming. Wapanacki is Wolcott's only artificial lake, and its entire shoreline is currently owned by the Girl Scouts of America.

Wolcott Pond, off of East Hill Road, is about 68 acres in size, has a maximum depth of 23 feet, and is supported by a 920 acre drainage area. A natural lake with artificial height control, Wolcott Pond is popular for warm water fishing and boating. A large part of Wolcott Pond's shoreline is protected by Vt. Fish and Wildlife Department ownership and management as a public access site. Wolcott Pond is also the home to a nesting pair of Common Loons and a number of endangered terrestrial and aquatic plant species.

Use of Wolcott pond is governed by the rules of the Vermont Water Resources Board, including a 5 mph speed limit on motor boats and a prohibition of personal watercraft. Enforcement of these rules is in the realm of the Vermont State Police and State Game Wardens. The Town of Wolcott urges all pond users to abide by the State's rules, in order to ensure a safe, pristine and relatively quiet pond area.

Local regulations have been implemented to help ensure that development along the shores of Wapanacki Lake and Wolcott Pond is in keeping with the quiet, scenic and pristine nature of these water bodies. This Shorelands zoning district allows development only through conditional use. Other measures could be considered as well, including purchase of development rights to ensure a vegetated buffer area on the shore.

Numerous other named and un-named ponds exist in town under private ownership. These ponds range in size for less than an acre to about 9 acres (Perch Pond). Currently state law

From: Josiereb <josiereb@aol.com>
Sent: Tuesday, August 20, 2013 10:40 PM
To: Welts, Leslie
Subject: Wolcott Pond

My wife and I are residents of Wolcott and live just a half a mile from the ramp to the pond. We've lived here 17 years. We use the pond, as does our extended family when they visit.

We have seen Wolcott Pond greatly enjoyed and also abused. To us, it makes no logical sense to allow power combustible engines on such a pristine and small pond. Removing same will in our opinion greatly reduce the abuse factor. And saying it's protected from power craft abuse with a five mile per hour posted speed limit is like running a road side vegetable stand with an honors box for payment.

Consistent enforcement with the small number of wardens we have in Vermont/our area is just a wish and a prayer.

We support Wolcott's Town Plan, Wolcott's Select Board's position, hence the petition to remove power craft from Wolcott Pond. With the significant increase in use of canoes and kayaks, we feel this position makes both ecological and recreational sense. It allows Wolcott to have and market a jewel on the Quiet Waterway Map of Vermont and Wolcott needs this asset.

Thanks you,

Bill & Ginger Cotten
2759 East Hill Road
Wolcott, Vermont 05680

From: Welts, Leslie
Sent: Thursday, August 29, 2013 11:56 AM
To: Fechter, Kathy
Subject: FW: Wolcott Pond a "Quiet Pond"

From: Brad Cornell [<mailto:bradcornell@myfairpoint.net>]
Sent: Thursday, August 29, 2013 11:49 AM
To: Welts, Leslie
Subject: Wolcott Pond a "Quiet Pond"

Wolcott Pond a "Quiet Pond"

I have lived in Wolcott and the close surrounding area for 36 years and we have often enjoyed the beauty and serenity of Wolcott Pond both swimming and canoeing. Personally I would hate to see this quiet, peaceful pond opened to unlimited motorboats which may be what the future brings to Wolcott Pond. Instead I would like to see it designated a "Quiet Pond" and maintain that beauty and serenity that we all have come to love.

The pond is open to electric motors which are quiet and non-polluting which should be plenty for those who do not want to or can not row or paddle a boat, canoe or kayak. Electric motors are not that expensive and allow boaters to travel at speeds of 2 to 3 miles an hour, just 2-3 miles per hour under the speed limit. I've heard that the only camp that utilizes a motorboat in order to access their camp is about one half mile from the ramp. At 5 mph it would take 6 min. to the camp, at 3 mph it would take 10 min. and at 2 mph a whopping 15 min. What's the rush? At worst they may have to spend an extra 9 min. on a gorgeous, clean "Quiet Pond".

Respectfully,

Bradford Cornell

From: Catherine Garvey <categarvey@myfairpoint.net>
Sent: Tuesday, August 27, 2013 9:33 PM
To: Welts, Leslie
Subject: Wolcott Pond comments

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Leslie,

I am a resident of Wolcott and attended the hearing regarding the petition to designate Wolcott as a quiet pond.

As a frequent user of the pond I can not begin to tell you how important it is to keep this pond in pristine condition for the wildlife and for the people who wish to get away from the noise and chaos of daily life and commune with nature. The abundance of wild life in and around the pond is remarkable, and one can observe, if very cautious and quiet, the animals in their natural habitat, something very rare and special in this day and age.

Motor boats scare the animals away and diminish the quality of the experience for others.

Thank you for your consideration.

Sincerely,
Catherine Garvey

From: Welts, Leslie
Sent: Thursday, August 29, 2013 11:56 AM
To: Fechter, Kathy
Subject: FW: Comments - Wolcott Pond Petition

From: rlarchery@aol.com [<mailto:rlarchery@aol.com>]
Sent: Thursday, August 29, 2013 10:47 AM
To: Welts, Leslie
Subject: Comments - Wolcott Pond Petition

Cedric (Rick) Sanborn

106 Lyman Road

Barre, VT 05641

80-476-0617

rlarchery@aol.com

RE: Wolcott Pond Petition

Dear Leslie –

Interesting meeting on the 20th. Well attended, lots of passionate people. I did testify at the meeting and this e-mail will serve to expand upon that testimony and to rebut some of the arguments presented by those in favor of banning internal combustion engines from the pond. To be warned, I write longer than I speak, so this has the potential to be lengthy.

The first statement of course is to take the position that I am opposed to the prohibition of internal combustion engines on Wolcott Pond. And as I stated I am primarily a paddler of Vermont's lake ponds having canoed for 30 years and 10 kayaked for the past 10. In all of the 100's of outings my wife and I have gone on we have never had a confrontation with some one in a motor boat nor have we ever felt threatened or intimidated. Most of people we encounter these days on the water with motor boats are groups of friends or family who are doing the same thing I am – enjoying the natural resources that Vermont has to offer. Whether fishing or just touring around the pond. We all enjoy the same thing, we just do it differently.

Which brings us to the biggest argument for NOT banning motor boats from Wolcott Pond – Title 29: Public Property and Supplies, Chapter 11 – Management of Lakes and Ponds – 29 V.S.A. section 401 – Policy. This is known more commonly as the Public Trust Doctrine. And the opening sentence is “Lakes and ponds which are public waters of Vermont and the lands lying thereunder are a public trust, and it is the policy of the state that these waters and lands shall be managed to serve the public good.” “Public Good” is defined by statute as “that which shall be for the greatest benefit of the people of the state of Vermont”.

This followed up by 10 V.S.A. section 1424(c), which states –“The secretary shall attempt to manage the public waters so that the various uses may be enjoyed in a reasonable manner, in the best interests of ALL the citizens of the state. To the extent possible, the secretary shall provide for all normal uses”

Which brings us to – taking away from one group in favor of another does meet the policies set out above. We all, as citizens of the State of Vermont, have an equal right to utilize the state’s natural resources (with some basic common sense restrictions). The citizens in the greater Wolcott area have no more or less right to use and enjoy Wolcott Pond than some one from Bradford or Brattleboro.

I do frequently fish from my kayak which is a different experience than fishing from a canoe which is again different from fishing from a motor boat (yeah – I do that on occasion also). And as the quiet pond, paddler group tries to convince us that the motor boat folks could just go out and buy a trolling motor (\$200 - \$500, depends on the size of the boat), and a deep cycle marine battery (\$100), and a battery charger (another \$50 or so) – remember it is always easy to spend other peoples money.

There are those who do not have a paddle boat, don’t want one, can’t physically use one, or it just doesn’t fit the life style. Their only way to enjoy the pond is to use a motor boat. And we should deny them the experience of enjoying the pond because they use a different method of transportation? I think not. We can and should all play together in the sand box. And people with motor boats are drawn to the smaller ponds just as those with paddle boats are.

Being on Wolcott Pond is certainly a great experience – when you take the dark brown water combine it with the full blossom white water lilies on a bright summer day. Way cool!. And this should only be enjoyed by paddlers, because why? Other ponds provide different experiences because they and the land around them are different. Owned by all the people of Vermont, regardless of what town you live in. And must be accessible to all classes of users.

One of the comments made during the hearing was that there were plenty of other ponds that the folks with the gasoline motors could go to fish or view wildlife, and those who wanted Wolcott Pond to be a quiet pond were not really asking all that much, just one pond, and of course convenient access for those who live in the Wolcott area. So I pulled out my 2013 copy of the Vermont Fish & Wildlife Regulations and went to the Index of Lakes and Ponds which as well as listing each lake and pond also indicates whether or not internal combustion engines are allowed along with other boating restrictions (such as allowable speed limits). For Lamoille County there are 8 ponds (quiet ponds) listed that have a 5 mph restriction and prohibit internal combustion engines. Included in this list is Green River Reservoir which is 554 acres. There is only one (1) pond in Lamoille County with a 5 mph speed limit that allows internal combustion engines – Wolcott Pond. There are 2 larger ponds/lakes that have are to internal combustion engines and have no speed limit (Eden Lake -194 acres and Elmore Lake – 210 acres). Waterbury reservoir – 839 acres, is on the list as well but that predominately in Washington County. Six (6) of the restricted ponds are in Wolcott or Hyde Park. Seems like there is plenty of lakes and ponds immediately available for those looking for a quiet pond. If not then there are 2 more quiet ponds just down the road in Hardwick (Caledonia County)

So it would appear that these lakes and ponds are not really being managed for the “public good” as defined. And in Lamoille County boaters looking to enjoy the experience of being on a smaller pond are being treated a second class citizens. So Wolcott Pond very much needs to remain available to internal combustion engines.

As I testified, there is really no such thing as a “quiet pond”, only in as much as gasoline motors are excluded. People make noise where ever they go, and are seldom quiet. My vision of a “quiet pond” is a smallish one, under 100 acres or so that is not subjected to a lot of outside (off pond) noise. On pond

noises of talking, small motors, and paddles hitting the side of a canoe or kayak are just part of the experience, and a sign of others enjoying one of Vermont's natural resources. . Off pond noises of car doors and screen doors slamming, loud groups of people, lawn mowers, repairs/maintenance and building projects, traffic on an adjacent road, the playing of loud music etc. are things that make a pond not a "quiet pond".

And I can relate with the people who live adjacent and near the pond which is a very quiet setting, except of course when they are making their own noise (such as mowing their own grass or the state is mowing the access area). I live at the end of a sparsely populated dead end road, which puts me at the top of the ridge, where there is minimal background noise. And yes, when sitting on the porch swing, I do hear the cars on the lower gravel road which is over a half mile away through wooded lands. Noise levels are relative to the background we are accustomed to.

And it is impressive to see the people who own the land around the pond protect it from development and to build their camps back from the edge of the water to minimize the visual impact from the pond. But it doesn't give them ownership of the pond itself. And even though they all acknowledged that the pond belongs to the State of Vermont, nobody said it with much enthusiasm or conviction. And other than the fact they don't like internal combustion engines, nobody had a compelling reason to ban motors. Saving the planet from pollution is not a valid reason, I probably burned 4 gallons of gasoline to get to and from Wolcott for a 2 hour paddle. Had I used a motor boat it would not have added very little to the fuel usage for the day.

I heard the petitioners speak of a significant increase in boating activity on the pond this year. They specifically mentioned canoes and kayaks. I didn't hear a reference to an increase of boats with gasoline engines. That appears to be a very small number of users, who whether fishing or just viewing are enjoying the pond along with everyone else. And as they spoke of the increase in paddlers and how all were welcome to use "their" pond, I caught a hint of an under current where I really thought for a moment someone was going to say that the pond was being over used and it was cutting into their own quiet enjoyment of the pond. Can't say that of course in a public hearing but you can think it.

A select board member from Wolcott stated that the Town of Wolcott had voted to make Wolcott Pond a quiet pond. She went on to explain that the planning commission had inserted language to that effect in the town plan and that Select Board had then approved the plan. That is really not the same as taking a formal vote or putting the question to ALL the voters. A town plan is a non-regulatory document that lays out the goals and desires of the town and along the way addresses 11 planning criteria required by the state. I was on the Barre Town Planning Commission in 1988 when the Barre Town's first town plan was written and I am still there as we write the 2013 version. We (as all planning commissions do) put in goals that are important to us, that are then ultimately approved when the select board adopts the plan. I would guess over 90% of the town residents are totally unaware of what is in the town plan until something comes up that impacts them personally. And the big issue here, the Wolcott Planning Commission and Select Board have proposed rules on property (Wolcott Pond) that they don't even own or control. The land around the pond – yes. The pond itself – no.

There seems to be a few individuals with power boats who either don't know the restrictions that have been placed on the pond (quite clearly posted), or who just don't care. Trust me none of the other pond users want them there. One of the speakers made note that every boat has a registration number on it in 3" high numbers. I would also offer up that for a boat on Wolcott Pond there is only one way on and one way off and that is the boat ramp. Pretty easy to read the registration number from there. And citizens

shouldn't get into confrontations with others. That is why we have law enforcement agencies. Which leads me to - one doesn't even have to be standing at or near the access when the law breakers return to the access. Pretty sure parked in the lot is a motor vehicle with a boat trailer attached. They both have license numbers, call it in while the boat is still out on the water.

So I guess that is it. Please oppose the petition to ban internal combustion engines.

Thanks for the chance to comment

Rick Sanborn
R&L Archery
70 Smith St
Barre, VT 05641
802-479-9151
802-476-1377 (fax)
www.RandLArchery.com

From: Romero, Christiane Zehl <Christiane.Romero@tufts.edu>
Sent: Friday, August 02, 2013 7:43 PM
To: Welts, Leslie
Cc: Gail Osherenko

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Wells and the Water Board,

I wish to support the request that Wolcott Pond be declared a quiet pond without motorboats and related noises. I have been swimming in this pond for 47 years and have smelled gasoline fumes on its surface long after an outboard-powered boat had come by, not to speak of the noise which you hear far and wide in this quiet area, even if the boat goes slowly. The pond is simply too small for motorboats, fishermen and –women can easily row a boat around to where they want to fish. There are also the people coming in canoes and kajaks who appreciate the peace, quiet, and resultant wildlife, including the loons, of that small pond. It should be protected.

Thank you for your consideration

Christiane Zehl Romero

East Hill Road

Wolcott, Vermont

From: Clive Gray <clivegrayvt@gmail.com>
Sent: Saturday, August 03, 2013 8:27 AM
To: Welts, Leslie
Subject: Petition re motorboats on Wolcott Pond

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Leslie,

I am responding to your invitation to submit comments on the proposal to ban internal combustion motors from Wolcott Pond.

I have visited Wolcott Pond a number of times by canoe and find it a beautiful, largely pristine location.

Many years ago your department considered a similar petition on behalf of Long Pond in Greensboro and decided to allow only electric motors on that pond. This has been a great boon to lovers of Long Pond and wildlife on the pond. Unlike Wolcott Pond, Long Pond does not have breeding loons, but they visit it regularly to fish.

The fact that Wolcott Pond does have a regular loon nest, is much more accessible to boats than Long Pond, and is smaller than Long Pond, seems to me to make it even more important to spare Wolcott Pond from outboard motorboats, other than those powered by electric battery.

Sincerely, Clive Gray, 1131 Craftsbury Road, Greensboro, VT 05841

8/16/2013

Dear Leslie Welts,

I have lived near + fished on
Walcott Pond for more than 40 years. This is
to tell you that I support the "Quiet Pond"
proposal for Walcott Pond.

Sincerely

Daniel Budzik

From: Welts, Leslie
Sent: Tuesday, September 03, 2013 11:42 AM
To: Fechter, Kathy
Subject: FW: Outboard Motorboats on Wolcott Pond

From: David French [<mailto:threefab@yahoo.com>]
Sent: Tuesday, September 03, 2013 11:02 AM
To: Welts, Leslie
Subject: Outboard Motorboats on Wolcott Pond

Agency of Natural Resources, c/o Leslie Welts,

I'm a Shelburne resident with friends in Wolcott. From time to time, I join them for an afternoon on Wolcott Pond. The sense of spaciousness and peace is wonderful -- at the right season, all you can hear is the call of the loon. It's an opportunity to heal the spirit.

Motorboats on the Pond change its character entirely. The only point of a motorboat is speed and noise, qualities that destroy what many of us go there for. There are many places people can go to be fast and noisy -- please let us retain one of the few where the atmosphere is blissfully otherwise!

I've read that some folks need boat transport to get from put-ins to camps on the Pond without road access. A reasonable concern, and electric motors could be allowed for that purpose. I hope, though, that the Agency of Natural Resources will establish rules to prohibit internal combustion motorboats from using the Pond.

Thank you,

- David French
180 Locust Hill Road
Shelburne, VT

From: Devon Craig BR14 <SLS46@FWWEBB.COM>
Sent: Thursday, August 29, 2013 6:33 AM
To: Welts, Leslie
Subject: wolcott pnd

I would just want to say that the State of Vermont's water resources belong to ALL residents...NOT just an elite few ! Regulations which restrict usage for the many...while benefitting only a few are wrong. Common sense needs to prevail .

Devon Craig
Account Mgr.
802-793-1595

MEMORANDUM

Attorney Client Privileged Communication

TO: Watershed Management Division, Leslie Welts, Esq.
FROM: Department of Fish and Wildlife, Catherine Gjessing, General Counsel
RE: Department Response to Friends of Wolcott Pond Petition
DATE: June 22, 2013

The Department of Fish and Wildlife (DFW) submits this memorandum to the Watershed Management Division in response to the petition of the *Friends of Wolcott Pond (Friends)*, filed pursuant to 10 V.S.A. § 1424. The petition requests that the Secretary amend the Vermont Use of Public Waters Rule to prohibit internal combustion engines on Wolcott Pond in Wolcott, Vermont. The DFW opposes the petition to prohibit internal combustion engines on Wolcott Pond. As a matter of public policy, the DFW would advocate for continuing the existing uses of the Pond. State surface waters are public trust resources which should be accessible to all Vermonters. It is the DFW position that the imposition of restrictions on internal combustion engines is more restrictive than necessary or practical to address any existing use conflicts.

Wolcott Pond is a 74-acre pond located in the Town of Wolcott. There are five primitive camps located around the pond which provide seasonal residences only. The pond is used for aquatic recreation, such as swimming, boating, fishing and wildlife viewing. The State of Vermont owns land on Wolcott Pond and the DFW maintains a fishing access area with a concrete boat launching ramp on the pond's western shore. DFW applied for and received a Shoreland Encroachment Permit to upgrade the Wolcott Pond Access Area and ramp to accommodate the launching of vessels, including those with internal combustion engines. *Friends* did not appeal the issuance of the permit. Work on the ramp is scheduled for August of 2013.

In accordance with the applicable statutory provisions, it is the policy of the state of Vermont to allow the “multiple use of the waters in a manner to provide for the best interests of the citizens of the state.” 10 V.S.A. § 1421. The statute requires that the Secretary “attempt to manage the public waters so that the various uses may be enjoyed in a reasonable manner.” In addition, if “possible, the Secretary shall provide for all normal uses.” 10 V.S.A. § 1424(c). These concepts are articulated in the Vermont Use of Public Waters Rules. For example, Rule 2.6 states that any conflicts between uses “shall be managed in a manner that provides for all normal uses to the greatest extent possible.” And, rule 2.7 directs the Secretary to use the “least restrictive approach practicable” when imposing any regulations. The uses considered under the rules include: “fishing, swimming, boating, water skiing, fish and wildlife habitat, wildlife observation, the enjoyment of aesthetic values, quiet solitude of the water body, and other water based activities.”

In 2012, Act 138 transferred authority for decisions regarding the use of public waters from the Water Resources Panel of the Natural Resources Board (Board) to the Department of Environmental Conservation Watershed Management Division. In prior decisions regarding the prohibition of internal combustible engines, the Board emphasized adhering to the established uses of a water body. In *In re: Sunrise Lake*, the Board refused to prohibit internal combustion engines because “such a prohibition would disallow an established use.” No. UPW 89-05, Decision (Nov. 20, 1991). In addition, the Board has noted that the “rules in effect...favor the preservation of established uses...and provide that the Board must manage use conflicts using the least restrictive approach possible.” *In re: Echo Lake*, No. UPW 91-05, Decision (Dec. 22, 1992). Wolcott Pond has an established use of permitting internal combustion engines.

The Water Resource Board (Board), in *In re: Fern Lake*, found that the recreational use conflicts did not justify banning the use of motor boats. No. UPW 97-0, Decision (Oct. 14, 1997). The Board has relied on the fact that “there have been no reported accidents between motorboats and swimmers” in making a decision to continue to allow motorboats. *In re: Silver Lake*, No. UPW 05-03, Decision (Oct. 25, 2005) (finding that “education and enforcement should first be explored” rather than imposing an internal combustion engine ban). The DFW is unaware of any accidents involving boats or boats and swimmers on Wolcott pond. The local game warden, covering the pond since 1995, has observed only light motorized boat traffic on the pond and no problems related to boat use have been observed or reported to DFW staff. One of Petitioner’s primary concerns with internal combustion engines appears to be the safety associated with the violation of the 5-mph speed limit posted on a sign at the public access ramp. Safety on lakes and ponds is also a concern of DFW particularly as the level of lake and pond recreation increases around the state. A less restrictive alternative for ensuring safe public access and reducing potential conflicts on Wolcott Pond is to increase posting and enforcement of the 5-mph speed limit. *Friends* acknowledge that when boaters are made aware of the 5-mph speed limit they obey the posted speed limit or avoid Wolcott Pond altogether. It is the DFW judgment that the recreational uses of Wolcott Pond do not require or merit the imposition of a ban on internal combustion engines.

Prohibiting internal combustion engines would place a burden on individuals, such as disabled or elderly anglers, who are not able to paddle or row and rely on internal combustion engines for aquatic propulsion. Additionally, the use of electric motors on water craft, and even rowing, paddling or sailing, do not ensure that the 5-mph speed limit will be obeyed; sailboats,

paddlecraft and watercraft possessing electric motors may still exceed the posted speed limit and would not resolve *Friend's* primary complaint.

Finally, Wolcott Pond does not appear to be heavily used for recreation and the wildlife and surrounding habitat is not showing signs of stress based on the current use of the pond. The nesting Common Loons located on the pond have been successful at hatching chicks 19 of the last 21 years. Individuals are not prevented from viewing the pond's many plant and animal species. In addition, landowners are already permitted to use non-vessel combustion engines, such as chainsaws, lawnmowers and generators, so removing noise from vessels using a combustion engine would not have a big impact on noise around Wolcott Pond. The prohibition of internal combustion engines will not necessarily reduce the spread of invasive species. The Board previously found that a prohibition of internal combustion engines would not control the spread of invasive species, such as milfoil, and that human activities such as, "motorized and nonmotorized boating, or swimming" can be responsible for the spread of invasive species. *In re: Star Lake*, No. UPW 98-05, Decision (Oct. 29, 1998). Because the number of individuals who frequent the pond is relatively small, there is no need to amend the rule and restrict the use of internal combustion engines for health and safety of the wildlife at Wolcott Pond at this time.

In conclusion, it is DFW's position that further restrictions on the use of internal combustion engines at Wolcott Pond are not warranted. The stricter enforcement of the posted speed limit, as well as better notice of the 5-mph restriction, would provide a less restrictive approach to addressing any recreational conflicts. This would be in keeping with the objectives articulated in the Vermont Statutes and the Vermont Use of Public Waters Rules to provide for normal uses of public waters to the greatest extent possible.

From: Ed and Sue Olsen <elmore73@gmail.com>
Sent: Sunday, August 18, 2013 7:17 PM
To: Welts, Leslie
Subject: Wolcott Pond

My name is Ed Olsen, and I reside in Elmore with my wife Sue and family. We have spent considerable time on Wolcott Pond, and enjoy its unique beauty and tranquility. There are not many bodies of water which provide quiet from motors. Green River is one of those places, and it has to be treasured.

My wife and I feel there are adequate places to launch and use a power boat, and Wolcott Pond should be preserved as a quiet place to be treasured as such.

Thank you for the effort you do to establish such places.

Sincerely, Ed and Sue Olsen

From: Welts, Leslie
Sent: Sunday, September 01, 2013 9:29 PM
To: Fechter, Kathy
Subject: Fwd: wolcott pond letter

Sent from my iPhone

Begin forwarded message:

From: Eric Hanson <ehanson@vtcostudies.org>
Date: September 1, 2013, 8:06:15 PM EDT
To: "Welts, Leslie" <Leslie.Welts@state.vt.us>
Subject: wolcott pond letter

To the Vermont Agency of Natural Resources,
I am writing in support of the petition by the Friends of Wolcott Pond. Wolcott Pond provides one of best ponds greater than 50 acres for wildlife watching in the state with its extensive marsh shoreline. There are plenty of ponds and lakes in the area suitable for motorboats including Caspian, Elmore, Elligo, Eden, Waterbury Res., Woodbury, Nelson, Joe's, Mollys Falls Res., Shadow, Parker, and Crystal. There are several lakes in the area that should have speed limits due to their narrow configuration that do not including Greenwood and Great Hosmer. In consideration of other quieter waters in the area, Green River Reservoir requires an portage, and Little Hosmer Pond has a speed limit restriction or horsepower limit. But other than these two bodies of water, there are no other somewhat larger "quiet waters" in the immediate area. Quiet activities such as paddling and walking compared to motorized activities creates an interesting dilemma as the former has almost no impact on the latter while the latter has the potential for major impact on the former. Good luck in your decision making.

--
Eric Hanson

PO Box 22, Craftsbury, VT 05826
ehanson@vtcostudies.org (802) 586-8064

From: vtguns@aol.com
Sent: Wednesday, August 28, 2013 3:07 PM
To: Welts, Leslie
Subject: Public access to the Wolcott Pond and public use is important...

Follow Up Flag: Follow up
Flag Status: Flagged

The Wolcott Pond is an open body of water and as such public access and not restricting use of the pond is important and must be maintained.

Evan Hughes
Barre, Vermont

From: Welts, Leslie
Sent: Sunday, September 01, 2013 1:00 PM
To: Fechter, Kathy
Subject: Fwd: Establishing Wolcott Pond as a Quiet Pond

Sent from my iPhone

Begin forwarded message:

From: Florence Falk <florencefalk@gmail.com>
Date: September 1, 2013, 12:54:00 PM EDT
To: "Welts, Leslie" <Leslie.Welts@state.vt.us>
Cc: Gail Osherenko <gail.osherenko@gmail.com>
Subject: Establishing Wolcott Pond as a Quiet Pond

Watershed Management Division
Department of Environmental Conservation
1 National Life Drive, Main 2
Montpelier, VT.05620

Attention: Leslie Welts

Dear Leslie Welts and the Watershed Management Division,

I submit my letter to you on behalf of the petition to establish Wolcott Pond as a "quiet pond," one of the (as yet) few existing 'quiet ponds' in the state of Vermont. As a Friend of W P, I attended the discussion of this issue at the Town Offices on Tuesday evening, August 20, 2013.

I found the event impressive for its lack of discord and the willingness of participants on both sides of the issue to speak clearly, succinctly, and without serious rancor on behalf of their stated position. This to me seemed very encouraging going forward, especially since it became clear as the discussion proceeded that most of the people in attendance shared a wish to preserve the beauty and sanctity of the pond for our, and future generations to come.

Underlying this I came away more convinced than ever that Wolcott Pond should be designated as a quiet pond on which motor boats are no longer permitted. Few ponds are designated as "quiet ponds" in Vermont. And yet, given the pristine nature of Wolcott Pond, and the concern of a large part of the local population that its nature should at all costs be protected, and the intention of many of these people to act as stewards on behalf of the natural integrity of the pond, I believe this designation will provide a welcome precedent for future generations in an age distinguished by increasing volatility and by encroachments of every sort on the natural world--including the loss of 'silence' everywhere.

Sincerely,

Florence Falk
Board Member, Friends of Wolcott Pond
1788 Town Hill Road,
Wolcott, VT 05680

Florence Falk, Ph.D., L.C.S.W.

677 West End Ave. (15B)

New York, NY 10025

212-662-7797

florencefalk@gmail.com

www.florencefalk.com

<http://www.facebook.com/falk.onmyown>

From: Welts, Leslie
Sent: Friday, August 30, 2013 4:27 PM
To: Fechter, Kathy
Subject: FW: Do Not Support Wolcott Pond Petition.
Attachments: Do Not Support Wolcott Pond Petition.doc

From: Frank Stanley [<mailto:frankjstanley@wildblue.net>]
Sent: Friday, August 30, 2013 4:28 PM
To: Welts, Leslie
Subject: FW: Do Not Support Wolcott Pond Petition.

Leslie I noticed a important typo in my first attachment. Please delete that one and replace with this one.

From: Frank Stanley [<mailto:frankjstanley@wildblue.net>]
Sent: Friday, August 30, 2013 4:23 PM
To: 'Welts, Leslie'
Subject: Do Not Support Wolcott Pond Petition.

Dear Leslie:

Please find attached my comments concerning the Friends of Wolcott Pond petition to ban the reasonable use of combustion engines on Wolcott Pond. Please respond that you have received this e-mail and attached comments.

Frank Stanley
Government Affairs and Public Outreach
Vermont Traditions Coalition
127 Sports Club Dr. #123
Bolton, VT 05477
802-238-0364
www.VermontTraditions.org

Department of Environmental Conservation
Watershed Management Division
1 National Life Drive Main-2
Montpelier, VT 05602-3520
Attention: Leslie Welts

I am writing in response to the petition filed by the Friends of Wolcott Pond to ban the use of internal combustion engines on Wolcott Pond.

According to the Vermont Use of Public Waters Rules:

Section I 1.1 states: *The Rules also provide guidance for the review of petitions filed pursuant to 10 V.S.A. §1424 seeking the adoption of rules regulating the use of particular public waters. The Rules attempt to avoid, where possible, and resolve, when necessary, conflicts in the use of public waters in a comprehensive and integrated manner so that the various uses may be enjoyed in a reasonable manner, considering the best interests of both current and future generations of the citizens of the state and insuring that natural resource values of the public waters are fully protected.*

Section II 2.2 states, *The public waters will be managed so that the various uses may be enjoyed in a reasonable manner, considering safety and the best interests of both current and future generations of citizens of the state and the need to provide an appropriate mix of water-based recreational opportunities on a regional and statewide basis.*

Section II 2.6 states: *Use conflicts shall be managed in a manner that provides for all normal uses to the greatest extent possible consistent with the provisions of Section 2.2 of these Rules.*

Section III 3.7: states: *In reviewing all such petitions, the policies in Section 2 above shall be considered. The petitioner shall have the burden of persuasion that the requested exceptions or modifications are consistent with the policies in Section 2 and applicable statutory requirements.*

The Friends of Wolcott Pond Petition states: *Many individuals and groups come to Wolcott Pond to kayak and canoe. In recent years the number of fishing boats using electric motors rather than internal combustion engines has increased dramatically.*

The 5 mile speed limit should discourage the use of higher speed boating, but since the signage is small and only posted on a bulletin board at the public landing, there are always some boaters who violate the speed limit using internal combustion boats.

Conclusion:

In keeping within the framework of the Use of Public Waters Rules and the criteria for the basis of a decision, I am of the opinion that the petitioners have not provided the necessary rationale to justify the requested modifications to the current rules.

Except for the anecdotal evidence provided in the petition there is no proof brought forward by the petitioners as to the scope of the use conflict. According to Law Enforcement officials there are no complaints on file and no tickets have ever been issued.

The petitioners admit they see the main cause to the alleged problems is a lack of the proper regulatory signage at the site. The petitioners are acknowledging that this alleged use conflict can likely be remedied through increased education and enforcement actions rather than regulatory action.

Motor boats on Wolcott Pond have been in use since the 1960's, and qualify as a normal use under the definitions in the public waters rules. The petitioners state that the use of combustion engines has dramatically decreased in recent years. This leads me to believe the alleged use conflict and safety concerns should also be on the decline.

The petitioners also feel the ban on combustion engines is necessary to preserve the wilderness nature of the pond. Wilderness is perceived differently by the different individuals and can be difficult to define and quantify. The definition of wilderness in many cases refers to an area uncultivated, uninhabited or untamed by humans. Wolcott Pond does not meet those standards. I would refer to the pond as relatively undeveloped. 962 acres of land including some waterfront has been conserved around Wolcott Pond paid for exclusively by funding from the sporting community. These conserved lands add to the relatively undeveloped nature of the pond and watershed, but little credit is given to the hunting and angling community for their efforts.

If, in fact, the use of motor boats has dramatically declined in recent years as stated by the petitioners, the petitioners should have a heightened feeling of "wilderness" as they perceive it. Recreational management usually revolves around minimizing user conflict as more user groups converge on a particular resource. Apparently this is not the case with Wolcott pond, thus it would lead one to believe that use conflict should be dramatically declining.

In the letter to DEC from the Wolcott select board they state that....*We believe that Wolcott Pond should be a quiet pond and we have indicated this in our recent Town Plan.* The recent 2013 Town Plan and the 2008 town plan have the same language, it states....*The Town of Wolcott urges all pond users to abide by the State's rules, in order to ensure a safe, pristine and relatively quiet pond area.* The town plan does not state that it should be formally designated as a "Quiet Pond" (banning of internal combustion engines). Town Voters did not vote through the 2008 Town Plan nor the 2013 Town Plan with a Quiet Pond designation as defined by the State.

I question the motivation by some individuals behind this proposed ban on combustion engines and furthermore, as stated above, do not feel the arguments by the petitioners are not nearly persuasive enough to justify a positive finding by DEC. A positive finding would not allow the reasonable use of the pond, would be contrary to the best interests of both current and future generations and would go against the public good as defined in the Public Trust Doctrine Statutes. Title 29: Public Property and Supplies, Chapter 11...Management of Lakes and Ponds...29 V.S.A.section, 401.

The alleged use conflicts on Wolcott Pond should easily be remedied by working together with local community groups, user groups and law enforcement officials. Before instituting questionable regulations, I believe that some reasonable steps to heighten awareness and enforcement in an effort to discourage a few unknowing or disrespectful individuals is in order.

It is of great importance that our public trust resources are available for all to use in a reasonable and respectful manner, regardless of individual preference by differing user groups or private property owners. Regulatory decision making should be based on sound science and resource management.

Please do not support the petition to ban combustion engines on Wolcott Pond.

Thank you, for your consideration

Frank Stanley
Vermont Traditions Coalition
Government Affairs and Public Outreach Coordinator
127 Sports Club Dr.
Bolton, VT 05477
802-238-0364

From: Welts, Leslie
Sent: Thursday, August 29, 2013 1:53 PM
To: Fechter, Kathy
Subject: FW: Revised letter from Osherenko 8.29.2013
Attachments: GOletter to ANR.quiet pond8.29.13.pdf

Would you let Gail know that we will accept comments until the end of the day on September 3? Thanks!

From: Gail Osherenko [<mailto:gail.osherenko@gmail.com>]
Sent: Thursday, August 29, 2013 1:49 PM
To: Welts, Leslie
Subject: Revised letter from Osherenko 8.29.2013

Dear Ms. Welts,
Please substitute the attached letter for the one I emailed earlier today.
I added some additional information. I will send the letter, attachment and DVD to you by mail. And I will try to add some photos when I have time.

Due to the holiday weekend, may people get letters in by Sept. 3?
Thank you.
Gail Osherenko

802 888 2298

[Dark Side of the Loon](#)
[Loon Chicks First Summer](#)

**Gail Osherenko
1325 East Hill Road
Wolcott, VT 05680
(802) 888 2298**

Watershed Management Division
Department of Environmental Conservation
1 National Life Drive, Main 2
Montpelier, VT 05602
Attention: Ms. Leslie Welts

RE: Petition to declare Wolcott Pond a Quiet Pond and eliminate the use of internal combustion engines on the pond

Dear Secretary Markowitz,

I testified at the Aug. 20 hearing in Wolcott this summer regarding the petition, but have some additional comments to add here.

Impossibility of policing a 5 mph speed limit

There have been concerns that we can't document violations of the 5 mph speed limit by motorboats and that there have been no official complaints. I thought my "loon log" from the summer of 2010 might be informative. (See attached.) I've highlighted some sections in red. What the log shows (in addition to the presence of loons, osprey, wood ducks, otter or muskrat) is the problem with motorboats exceeding the speed limit and an example of how I have dealt with it in the past (speaking to the offenders). In that case I did get the VT license number as well as the car license number (see loon log).

I may have told Mike Wichrowski in DFW about this incident. We were concerned about the noise and speed of motorboats and the small sign on the bulletin board with the 5mph limit posted. I spoke with Mike about Friends of Wolcott Pond's desire to ban internal combustion engines and about the need for better speed limit signage (I think he will remember), but he emphatically indicated that DFW would oppose any attempt to ban motorboats as they provide the fees that support the Department's work. He also said they wouldn't do more about the signage. The Friends' Board authorized getting highway type 5mph signs made and posting them at the pond. We subsequently had 2 signs made and put one up on a low big round post remaining close to where the ramp is located. As the journal shows, the sign had been taken down on July 19 after being up only a few days. Whoever took it pulled the whole post out of the ground with the sign as the post was gone too and there was a big hole in the ground.

Your division must know that policing the landing (let alone the pond) is difficult. That year the sign explaining about milfoil was upside down. This year it was missing entirely with its post. After the new replacement ramp was installed this summer (finished Aug.

15, 2013), the whole area was cleaned up, all track marks in the lawn were removed, the area reseeded, and any evidence of a firepit removed. I will send you pictures in a separate message of the damage I photographed this week: tire tracks tearing up the sod, a new firepit, trash. We never put up the second sign because they cost a lot and we figured it would just be destroyed again, but we would gladly give it to DFW to put up and maintain.

One night four summers ago, a group of us were celebrating the marriage of Sara and John Shevenell that had taken place earlier that year. The party was at their camp on a knoll mostly hidden from the pond. I had gone down after supper to see if Orah Moore had arrived by kayak. Instead of Orah, I saw a moose come out of the woods opposite the point where I stood, get into the water and proceed to drink and bathe. I had my video equipment with me so I took some video and then tiptoed back to the camp to let the others know about the moose. They followed me back down to the point very quietly, and we all stood watching the moose. Then a motorboat came roaring into the Hill Camp that was to the right some distance away but on the same side of the shore as the moose. Our viewing ended abruptly as the moose looked up, and then splashed out to the shore and disappeared back into the woods.

Wolcott Pond provides wilderness-like recreation

I will send you a copy of my film "Loon Chick's First Summer" which was shot on Wolcott Pond. It captures the serenity of the pond and its wilderness-like quality as well as some of the wildlife that shares the pond with our resident pair of loons and their occasional visitors. Please include the film into the record of the Petition. The websites for my two loon films are below. Some footage in Dark Side of the Loon also came from Wolcott Pond. I shot some footage as well for that film from Peacham and other ponds. While they had scenes I needed (flocking up of loons and such), there was considerable noise from lawn mowers operating on the shore of camps with lawns. We don't have this kind of disturbance at Wolcott Pond because the shore is predominately vegetated with woods coming down to the shore or marshland. Due to the stewardship of individuals who purchased much of the shoreline in order to protect it and keep it natural, we don't have many camps and only one with a small lawn.

It's time to recognize that Wolcott Pond is one of the "few public water bodies that remain capable of providing wilderness-like recreational opportunities in a manner consistent with protection of those characteristics that make those water bodies capable of supporting such water-based recreational uses." [In re: Petition to adopt rules regulating the use of Chittenden Reservoir, Town of Chittenden, Vermont, Docket No. UPW-02-02, p. 7.]

As the Chittenden decision of the Water Resources Board stated (and the Vermont Supreme Court affirmed), "The Vermont Use of Public Waters Rules do not require that all recreational uses be accommodated on all bodies of water, but rather that such public resources be managed both individually and collectively to provide for an appropriate mix of water-based recreational opportunities on a regional and statewide

basis, taking into account the needs of current and future generations of citizens of the state." (p.7-8).

Wolcott Pond is now heavily used by "quiet users" paddling, rowing, kayaking, and fishing. Some have electric motors that do not upset the quiet enjoyment of others and do not exceed the 5 mph speed limit.

The least restrictive way to manage the conflicts on Wolcott Pond is to end the use of internal combustion engines. Regulating the time, manner or place for them would not provide for quiet enjoyment or address the problems of air and water pollution of a pond that to date is not infested with milfoil, zebra mussels or other invasive plants. While there are other ways for invasive plants to find their way into the pond, elimination of use of internal combustion engines would reduce the risk of invasives as well as improve the water and air quality. Elaborate times or days of use restrictions would only making policing and enforcement more difficult while confusing users.

I don't think that more presence of fish and game wardens on the pond is a practical way to enforce the 5 mi. speed limit and eliminate the safety risk posed by boats creating a wake or the noise and pollution they create. The open access of the public landing is difficult enough to care for with regular clean up crews. The vastly increased number of quiet users seeking tranquility has made this petition necessary. The VUPW Rules aim to protect uses for future generations and not only this generation. We hope that the next generation will have a quiet pond for peaceful enjoyment of wildlife and the scenic beauty of Wolcott Pond.

Ecological Significance of Wolcott Pond and its environs

The following information about Wolcott Pond comes from the NRS Forest Management Plan for my husband's and my land adjacent to Wolcott Pond (report prepared by Luke W. Hardt, July 12, 2012):

The 60 acre property has roughly 1500 feet of frontage along the south shore of Wolcott Pond which is easily accessed by watercraft. The property shares a boundary with the Vermont Fish and Wildlife (Water Resources Land). The property is managed exclusively for natural resource management and has no road frontage. The parcel includes six acres of National Wetlands Inventory Wetland and 1.7 acres of Ecologically Significant Riparian area. There are 11 acres of Deer Yard on the parcel that are part of a 4,500 acre deer yard complex. We do not post the land.

The 60-acre parcel is now protected by a conservation easement donated by us to the Vermont Land Trust in 2012. The parcel contains or is adjacent to five aquatic plants that are Rare Species (S2 plant species): *Littorella Americana*, American Shoregrass, *Ceratophyllum echinatum*, Prickly Hornwort, *Callitriche herterophylla*, Large Water-Starwort, *Sparganium fluctuans*, Water Bur-reed, *Elodia nuttallii*, Nuttall Waterweed which is a Rare (Imperiid) species.

The parcels' habitats support species ranging from the northern saw-whet owl to the yellow-spotted salamander. There is much other specific information in the

management plan and accompanying map indicating the areas of rare species (both on land and in adjacent waters). You are welcome to obtain the report or contact Luke Hardt luke@hardtforestry.com for more information.

According to Steve Young, PhD in Botany, the property also has a population of *Rhododendron prinophyllum*, the pink azalea. We don't know where it sits on the Vermont list of endangered and threatened species, but the Wolcott Pond stand is the only one Steve knows of in northern Vermont.

As a regular user of Wolcott Pond and as an adjacent landowner, I have tried to be an excellent steward of the pond and its adjacent shoreline and uplands. For many years, I felt that it was premature to ask for a ban on the use of internal combustion engines on the pond despite their noise and pollution. But now the uses of the pond have shifted so that there are fewer gas burning engines, many more electric motors and many, many more quiet users paddling kayaks and canoes. The fishermen and fishermams (many of whom fish from the landing, from private lands and from quiet boats) do pay fees that support the work of your agency. And the many users of the pond (whether residents of Wolcott, summer people, tourists, second home owners, etc.) contribute substantially to the economy of Vermont in many ways. Personally, I would support legislation that would remove the argument that motor boaters cover the costs while paddlers don't shoulder the burden. But this is not the subject of the decision at hand.

I respectfully request that the Agency of Natural Resources establish Wolcott Pond as a Quiet Pond with the simple additional rule that internal combustion engines not be used on the pond.

Thank you,

Gail Osherenko

[Dark Side of the Loon](http://www.darksideoftheloan.com) www.darksideoftheloan.com

[Loon Chicks First Summer](http://www.loonchicksfirstsummer.com) www.loonchicksfirstsummer.com

Enclosed: copy of Loon Chick's First Summer

From: Glo Webel <glowebel@gmail.com>
Sent: Thursday, August 01, 2013 8:38 PM
To: Welts, Leslie
Subject: Wolcott Pond

Dear Leslie Welts,

I am writing in support of the petition to have Wolcott Pond be a quiet pond with no combustible engines. I live in Johnson, VT and have gone up to Wolcott Pond probably 10 times over the years to the fishing access area to launch my boats. It is a beautiful spot and I have loved being able to quietly observe the loons, beavers, and other critters from my 10ft. sailboat which also can be a row boat. I have also used my kayak on the pond. It is a precious spot where truly one can peacefully enjoy the natural surroundings with out disturbing the wildlife living there. Fortunately, whenever I have gone there I did not have to share the pond with any motor boats. I'm sure if I had it would have destroyed the peace and quiet being experienced by all the local wildlife and myself.

Thank you for considering the petition feedback. I think it's a great idea to make it a quiet Pond undisturbed by motors. Sincerely, Glo Webel , 829 Upper French Hill Road, Johnson, VT 05656-9479

From: Welts, Leslie
Sent: Saturday, August 31, 2013 8:27 AM
To: Fechter, Kathy
Subject: Fwd: Wolcott Pond - Quiet Pond petition

Sent from my iPhone

Begin forwarded message:

From: Gordon Young <gordon.young.vt@gmail.com>
Date: August 30, 2013, 11:45:50 PM EDT
To: "Welts, Leslie" <Leslie.Welts@state.vt.us>
Cc: Gail Osherenko <gail.osherenko@gmail.com>
Subject: **Wolcott Pond - Quiet Pond petition**

Greetings,

As a full-time resident of Wolcott Vt, born and raised here, and as a voter and active member of the community, I'm writing to express my support for the Quiet Pond petition for Wolcott Pond, and to ask decision-makers to bear in mind some key facts.

I have spent some time considering the many points raise in public comments by those opposed to the petition. Some of these make no sense to me - for instance, the notion that any problems we have today could be resolved by better enforcement. I don't believe it's realistic to think that anyone witnessing a violation on the pond could reasonably get word to an officer of the law in time for meaningful enforcement action to take place.

Other points made me pause for more reflection - for instance, the idea that small children, infirm and elder people could have difficulty using smaller, human powered boats, and that the proposed rule would prevent them from accessing and enjoying the pond. However, a ban on internal-combustion motors does not necessarily limit boaters to canoes and kayaks - many broader boats existing that can be rowed with oars, or powered with electric motors. Even if that were not the case, I have often taken my 7 year old son around Wolcott pond in a Canoe since he was 3, and my brother has used the same boat to transport our then-96 year old grandmother around the pond. It is simply not true that internal combustion is a necessity for all generations to enjoy the pond.

After careful thought about these and other points, I still find there is a compelling case for prohibiting internal combustion motors on the pond. The key point is that the pond is remarkable for the lack of development on and around it, and while there are a few others that are similarly undeveloped, these are vastly outnumbered by those that are developed. As a resource for the people of the state of VT, and guests and tourists - Wolcott pond is valuable because what it offers is so rare - and something of this value is worthy of taking extra steps to protect.

It may be true that recent engines are much more benign than older motors - but there is little reason to believe that every boat that would put in to the pond will have the new equipment, or that it is in good repair. And environmental damage may be caused by a single unfortunate event, or by chronic use. Because Wolcott pond is such an uncommon asset for Vermonters, the features that make it special should be protected with extra care. Restricting the use of internal combustion engines eliminates many risks of environmental damage and significantly reduces risks from joy-riders who ignore the 5 mph speed limit as well as other that may be prone to accidents or other misfortune.

Vermont has no shortage of lakes and ponds that are accessible by motor boat, but undeveloped bodies are increasingly rare - and no new ones are likely to come on-line in our lifetime or even that of our grandchildren. Please do the right thing and protect this valuable environmental resource - for the sake of current and future generations.

Sincerely,

Gordon Young
265 Cross Road
Wolcott Vt 05680

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Gordon Young
265 Cross Road
Wolcott Vt 05680

